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EXAMINER
TAN, ALVIN H

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *10 July 2008*.
2a)☒ This action is **FINAL**.　　　　2b)☐ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-47* is/are pending in the application.
　　4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☐ Claim(s) _____ is/are allowed.
6)☒ Claim(s) *1-47* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
　　Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
　　Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
　　a)☐ All　b)☐ Some * c)☐ None of:
　　　1.☐ Certified copies of the priority documents have been received.
　　　2.☐ Certified copies of the priority documents have been received in Application No. _____.
　　　3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
　　* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
　　Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
　　Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Remarks

1.   Claims 1-47 have been examined and rejected. This Office action is responsive

to the amendment filed on 7/10/08, which has been entered in the above identified

application.

Double Patenting

2.   The provisional non-statutory double patenting rejection will be held in abeyance

until such time as a patent issues based upon one of these applications, at which time a

substantive response will be provided if the rejection under the judicially created

doctrine of obviousness-type double patenting is maintained.

Claim Rejections - 35 USC § 103

3.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

4.   Claims 1-47 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rothmuller et al (WO 02/057959 A2) and Vronay et al (Pub. No. US 2003/0156138 A1).

Claims 1-19, 42

Claim 1: Rothmuller discloses a product comprising: a computer readable storage

medium; and computer-readable program instructions embodied in the medium, the

computer-readable program instructions including: first instructions for generating a

calendar view that represents time in calendar format and associates events with

respective periods of time (page 3, lines 11- 15), and second instructions for generating

a media view that provides access to digital media files and associates digital media

files with a period of time (page 7, lines 16-19).

Rothmuller does not expressly teach wherein at least one of the events is

created and represented in the calendar view independent of any digital media files.

Vronay similarly discloses a calendar based user interface that associates various

computer files and other information with associated dates and metadata (paragraph 4).

In addition to using the calendar to track computer files, users may specify

appointments, meetings, etc. (paragraph 5) which are marked on the calendar to allow

users to easily track important events (paragraph 42). These created events may

additionally, though not necessarily, be associated with files (paragraph 6). Since

Rothmuller discloses using a calendar to manage and organize objects, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to use

the method of creating events using the calendar, as taught by Vronay. This would allow

use of the calendar to easily track important events.

Claim 2: Rothmuller and Vronay disclose the product of claim 1, wherein the second

instructions for generating the media view associate digital media files with event

information (Rothmuller, page 2, lines 13-19).

Claim 3: Rothmuller and Vronay disclose the product of claim 1, wherein the first and

second instructions operate concurrently to generate a timeline view that combines the

calendar view and the media view (Rothmuller, page 6, lines 9-23).

Claim 4: Rothmuller and Vronay disclose the product of claim 3, wherein the first and

second instructions operate concurrently to generate, in the timeline view, a timeline

associated with the media view (Rothmuller, page 6, lines 9-15).

Claim 5: Rothmuller and Vronay disclose the product of claim 3, wherein the first and

second instructions operate concurrently to generate, in the timeline view, a timeline

associated with the calendar view and the media view (Rothmuller, page 6, lines 9-23).

Claim 6: Rothmuller and Vronay disclose the product of claim 1, wherein the first and

second instructions operate concurrently to correlate metadata information of the media

file and calendar events (Rothmuller, page 6, lines 9-23), at least one of the calendar

events being created and represented in the calendar view independent of any digital

media files (Vronay, paragraph 5).

Claim 7: Rothmuller and Vronay disclose the product of claim 6, wherein the first and

second instructions operate concurrently to combine metadata information of the media

file and a relevant calendar event, the relevant calendar event being created and

represnted in the calendar view independent of any digital media files (Rothmuller, page

6, lines 9-23).

Claim 8: Rothmuller and Vronay disclose the product of claim 7, wherein the first and

second instructions operate concurrently to store the combined metadata information

into the metadata information of the media file (Rothmuller, page 1, lines 25-30).

Claim 9: Rothmuller and Vronay disclose the product of claim 8, wherein the first and

second instructions operate concurrently to display, in the media view, an item of

information in the metadata as a title for a group of media files having the same

metadata as used in the title (Rothmuller, page 1, lines 25-30).

Claim 10: Rothmuller and Vronay disclose the product of claim 9, further comprising

third instructions for searching the calendar view and the media view in terms of time

period (Rothmuller, page 1, lines 25-30).

Claim 11: Rothmuller and Vronay disclose the product of claim 10, further comprising

third instructions for searching the calendar view and the media view in terms of any

combination of metadata information (Rothmuller, page 1, lines 25-30).

Claim 12: Rothmuller and Vronay disclose the product of claim 1, wherein the first

instructions also generate an indicator for the current time (Rothmuller, Fig. 2 shows

time at the upper right hand side).

Claim 13: Rothmuller and Vronay disclose the product of claim 1, wherein the first

instructions also generate a delineation between past time and future time (Rothmuller,

page 5, lines 18-25).

Claim 14: Rothmuller and Vronay disclose the product of claim 1, wherein the second

instructions associate digital media files with a period of time based upon information

associated with the digital media file (Rothmuller, page 7, lines 27-31).

Claim 15: Rothmuller and Vronay disclose the product of claim 1, wherein the second

instructions provide a user a presentation mode to access the digital media files

(Rothmuller, page 7, lines 27-31).

Claim 16: Rothmuller and Vronay disclose the product of claim 1, wherein the second

instructions generate a media view that associates digital media files with a past period

of time (Rothmuller, page 4, lines 16-23).

Claim 17: Rothmuller and Vronay disclose the product of claim 1, wherein the first

instructions generate a calendar view that associates events with respective future

periods of time (Rothmuller, page 3, lines 11-15).

Claim 18: Rothmuller and Vronay disclose the product of claim 1, wherein the second

instructions for generating a media view that provides access to the media files within a

period in time further generates instruction that adjusts a size of a period of time view

according to the amount of the media files in the period of time (Rothmuller, page 7,

lines 16-25).

Claim 19: Rothmuller and Vronay disclose the product of claim 18, wherein the second

instructions adjust the size of the period of time view so that all the media files within a

period of time are visible (Rothmuller, Fig. 1; page 8, lines 4-8).

Claim 42: Rothmuller and Vronay disclose the product of claim 6, wherein the first and

second instructions operate concurrently to automatically correlate metadata

information of the media file and the at least one calendar event created and

represented in the calendar view independent of any digital media files (Rothmuller,

page 6, lines 9-23; Vronay, paragraph 6).

Claims 20, 21, 43

Claim 20: Rothmuller discloses a method comprising: receiving, in a media diary

application, a digital media file having metadata associated with the digital media file

(page 11, lines 21-31), the media diary application being configured to represent time in

calendar format and associate events with respective periods of time (page 3, lines 11-

15); and providing a user access to the digital media file via a media view that displays

a representation of the digital media file in connection with a time element of the

metadata (page 2, lines 20-25).

Rothmuller does not expressly teach at least one of the events being created and

represented in the calendar format independent of any digital media files. Vronay

similarly discloses a calendar based user interface that associates various computer

files and other information with associated dates and metadata (paragraph 4). In

addition to using the calendar to track computer files, users may specify appointments,

meetings, etc. (paragraph 5) which are marked on the calendar to allow users to easily

track important events (paragraph 42). These created events may additionally, though

not necessarily, be associated with files (paragraph 6). Since Rothmuller discloses

using a calendar to manage and organize objects, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to use the method of creating

events using the calendar, as taught by Vronay. This would allow use of the calendar to

easily track important events.

Claim 21: Rothmuller and Vronay disclose the method of claim 20, further comprising

correlating the metadata in the digital media file with calendar event information for an

event created and represented in the calendar format independent of any digital media

files, said correlating being prior to providing a user access to the media file via a media

view (Rothmuller, page 6, lines 9-23).

Claim 43: Rothmuller and Vronay disclose the method of claim 21, wherein said

correlating the metadata includes automatically correlating the metadata in the digital

media file with the calendar event information for an event created and represented in

the calendar format independent of any digital media files (Rothmuller, page 6, lines 9-

23; Vronay, paragraph 6).

Claims 22-25, 44

Claim 22: Rothmuller discloses a method comprising: receiving a digital media file

having metadata associated with the digital media file (page 11, lines 21-31);

transmitting the file, automatically, to a media diary application that associates the

digital media file with a period in time based on the metadata (page 1, lines 25-30 and

page 2, lines 1-11), the media diary application being configured to represent time in

calendar format and associate events with respective periods of time (page 3, lines 11-

15); providing a user access to the digital media file via a media view that displays a

representation of the digital media item in connection with the period of time (Fig. 1).

Rothmuller does not expressly teach at least one of the events being created and

represented in the calendar format independent of any digital media files. Vronay

similarly discloses a calendar based user interface that associates various computer

files and other information with associated dates and metadata (paragraph 4). In

addition to using the calendar to track computer files, users may specify appointments,

meetings, etc. (paragraph 5) which are marked on the calendar to allow users to easily

track important events (paragraph 42). These created events may additionally, though

not necessarily, be associated with files (paragraph 6). Since Rothmuller discloses

using a calendar to manage and organize objects, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to use the method of creating

events using the calendar, as taught by Vronay. This would allow use of the calendar to

easily track important events.

Claim 23: Rothmuller and Vronay disclose the method of claim 22, further comprising

providing the user access to the digital media file via a tirneline view that combines a

timeline with the media view and a calendar view of calendared events (Rothmuller,

page 8, lines 14-26).

Claim 24: Rothmuller and Vronay disclose the method of claim 23, wherein the

providing the user access to the digital media file via a timeline view that combines a

timeline with the media view and a calendar view of calendared events further

comprises providing the user access to the digital media file via a timeline view that

combines a timeline with the media view of media files associated with past periods of

time and a calendar view of calendared events associated with future periods of time

(Rothmuller, page 7, lines 27-31 and page 8, lines 1-26).

Claim 25: Rothmuller and Vronay disclose the method of claim 23, wherein the

providing the user access to the digital media file via a timeline view that combines a

timeline with the media view and a calendar view of calendared events further

comprises providing the user access to the digital media file via a timeline view that

combines a scrollable timeline with the media view and a calendar view of calendared

events (Rothmuller, Fig. 1; page 4, lines 16-30).

Claim 44: Rothmuller and Vronay disclose the method of claim 22, further comprising

automatically correlating the metadata in the digital media file with metadata associated

with a calendar event created and represented in the calendar format independent of

any digital media files (Rothmuller, page 6, lines 9-23; Vronay, paragraph 6).

Claims 26-31, 45

Claim 26: Rothmuller discloses a method comprising: storing information related to a

calendar event in an event file (page 2, lines 13-19); receiving a digital media file

associated with the calendar event (page 5, lines 18-23); correlating the digital media

file with the information in the event file (page 2, lines 13-19); and creating an

accessible representation of the digital media file and at least a portion of the correlated

information in the event file (page 2, lines 20-25).

Rothmuller does not expressly teach the calendar event being created and

represented in a calendar independent of any digital media files. Vronay similarly

discloses a calendar based user interface that associates various computer files and

other information with associated dates and metadata (paragraph 4). In addition to

using the calendar to track computer files, users may specify appointments, meetings,

etc. (paragraph 5) which are marked on the calendar to allow users to easily track

important events (paragraph 42). These created events may additionally, though not

necessarily, be associated with files (paragraph 6). Since Rothmuller discloses using a

calendar to manage and organize objects, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to use the method of creating

events using the calendar, as taught by Vronay. This would allow use of the calendar to

easily track important events.

Claim 27: Rothmuller and Vronay disclose the method of claim 26, wherein the storing

information related to a calendar event in an event file further comprises storing

information related to a calendar event in an event file associated with a calendar

planner of a media diary (Rothmuller, page 2, lines 13-19).

Claim 28: Rothmuller and Vronay disclose the method of claim 26, wherein the creating

an accessible representation of the digital media file and at least a portion of the

correlated information in the event file further comprises creating, in a media view of the

media diary, an accessible representation of the digital media file and at least a portion

of the correlated information in the event file (Rothmuller, page 4, lines 27-30 and page

5, lines 1-4).

Claim 29: Rothmuller and Vronay disclose the method of claim 26, wherein the storing

information related to a calendar event in an event file further comprises storing date

and event title information related to a calendar event in an event file (Rothmuller, page

5, lines 10-19).

Claim 30: Rothmuller and Vronay disclose the method of claim 26, wherein the

correlating the digital media file with the information in the event file further comprises

correlating metadata in the digital media file with date information in the event file

(Rothmuller, page 5, lines 10-19).

Claim 31: Rothmuller and Vronay disclose the method of claim 26, wherein the

correlating the digital media file with the information in the event file further comprises

correlating metadata in the digital media file with metadata information in the event file

(Rothmuller, page 5, lines 10-21).

Claim 45: Rothmuller and Vronay disclose the method of claim 30, wherein the

correlating the digital media file with the information in the event file includes

automatically correlating the digital media file with the information in the event file

(Rothmuller, page 6, lines 9-23; Vronay, paragraph 6).

Claims 32-36, 46

Claim 32: Rothmuller discloses a method comprising: receiving a media file having

associated metadata information (page 5, lines 18-23); correlating the metadata

information with calendar event information (page 2, lines 13-19); determining a manner

in which the media file will be represented in a media view of the media diary (page 11,

lines 28-31); presenting the media file as a media file representation in the media view

in accordance with the correlation procedure and the determination of the manner of

representation (page 11, lines 21-31).

Rothmuller does not expressly teach the calendar event information relating to a

calendared event created and represented in a calendar independent of any digital

media files. Vronay similarly discloses a calendar based user interface that associates

various computer files and other information with associated dates and metadata

(paragraph 4). In addition to using the calendar to track computer files, users may

specify appointments, meetings, etc. (paragraph 5) which are marked on the calendar to

allow users to easily track important events (paragraph 42). These created events may

additionally, though not necessarily, be associated with files (paragraph 6). Since

Rothmuller discloses using a calendar to manage and organize objects, it would have

been obvious to one of ordinary skill in the art at the time the invention was made to use

the method of creating events using the calendar, as taught by Vronay. This would allow

use of the calendar to easily track important events.

Claim 33: Rothmuller and Vronay disclose the method of claim 32, wherein the

determining the manner in which the media file will be represented in a media view of

the media diary further comprises determining the size of a thumbnail representing the

media file (Rothmuller, page 8, lines 4-8).

Claim 34: Rothmuller and Vronay disclose the method of claim 32, wherein the

determining the manner in which the media file will be represented in a media view of

the media diary further comprises determining the size of the date column that the

representation will reside in (Rothmuller, Fig. 1).

Claim 35: Rothmuller and Vronay disclose the method of claim 32, wherein the

determining the manner in which the media file will be represented in a media view of

the media diary further comprises determining the size of the media view in proportion

to the overall viewing area (Rothmuller, Fig. 1).

Claim 36: Rothmuller and Vronay disclose the method of claim 32, wherein the

determining the manner in which the media file will be represented in a media view of

the media diary further comprises determining a quantity of the media files represented

in a date column (Rothmuller, page 8, lines 28-31 and page 9, lines 1-14).

Claim 46: Rothmuller and Vronay disclose the method of claim 32, wherein said

correlating the metadata information with calendar event information includes

automatically correlating the metadata information with calendar event information

(Rothmuller, page 6, lines 9-23; Vronay, paragraph 6).

Claims 37-41, 47

Claim 37: Rothmuller discloses an apparatus comprising: a processing unit configured

to generate a calendar view that represents time in calendar format and associates

events with respective periods of time (page 3, lines 11- 15), and to generate a media

view that provides access to digital media files and associates digital media files with a

period of time (page 7, lines 16-19);

Rothmuller does not expressly teach at least one of the events being created and

represented in the calendar view independent of any digital media files. Vronay similarly

discloses a calendar based user interface that associates various computer files and

other information with associated dates and metadata (paragraph 4). In addition to

using the calendar to track computer files, users may specify appointments, meetings,

etc. (paragraph 5) which are marked on the calendar to allow users to easily track

important events (paragraph 42). These created events may additionally, though not

necessarily, be associated with files (paragraph 6). Since Rothmuller discloses using a

calendar to manage and organize objects, it would have been obvious to one of

ordinary skill in the art at the time the invention was made to use the method of creating

events using the calendar, as taught by Vronay. This would allow use of the calendar to

easily track important events.

Claim 38: Rothmuller and Vronay disclose the apparatus of claim 37, wherein said

processing unit is configured to generate a timeline view that combines the calendar

view and the media view (Rothmuller, Fig. 4; page 9, lines 15-20).

Claim 39: Rothmuller and Vronay disclose the apparatus of claim 37, wherein the

display presents the timeline view with a timeline associated with the calendar view and

the media view (Rothmuller, page 9, lines 15-20).

Claim 40: Rothmuller and Vronay disclose the apparatus of claim 37, wherein the

processing unit is further configured to search the calendar view and the media view in

terms of time period (Rothmuller, page 9, lines 27-32).

Claim 41: Rothmuller and Vronay disclose the apparatus of claim 37, further comprising

a display in communication with the processing unit that presents, independently, the

calendar view and the media view (Rothmuller, page 9, lines 15-20).

Claim 47: Rothmuller and Vronay disclose the apparatus of claim 37, wherein said

processing unit is further configured to automatically correlate metadata information of

the media file and calendar events, at least one of the calendar events being created

and represented in the calendar view independent of any digital media files (Rothmuller,

page 6, lines 9-23; Vronay, paragraph 6).

Response to Arguments

5.   The Examiner acknowledges the Applicant's amendments to claims 1, 4, 6, 7,

20-22, 26, 32, 37, 38, and 40 and the addition of claims 42-47. Regarding independent

claim 1, the Applicant alleges that Rothmuller et al (WO 02/057959 A2), as described in

the previous Office action, does not explicitly teach, "wherein at least one of the events

is created and represented in the calendar view independent of any digital media files",

as has been amended to the claim. Examiner has therefore rejected independent claim

1 under 35 U.S.C § 103 as being unpatentable over Rothmuller and Vronay et al (Pub.

No. US 2003/0156138 A1).

        Similar arguments have been presented for independent claims 20, 22, 26, 32,

and 37 and thus, Applicant's arguments are not persuasive for the same reasons.

        Newly added claims 42-47 have been rejected under 35 U.S.C § 103 as being

unpatentable over Rothmuller and Vronay.

        Applicant states that dependent claims 2-19, 21, 23-25, 27-31, 33-36, and 38-47

recite all the limitations of the independent claims, and thus, are allowable in view of the

remarks set forth regarding independently amended claims 1, 20, 22, 26, 32, and 37.

However, as discussed above, Rothmuller and Vronay are considered to teach claims

1, 20, 22, 26, 32, and 37, and consequently, claims 2-19, 21, 23-25, 27-31, 33-36, and

38-47 are rejected.

Conclusion

6.   The prior art made of record on attached form PTO-892 and not relied upon is

considered pertinent to applicant's disclosure. Applicant is required under 37 C.F.R §

111(c) to consider these references fully when responding to this action. The

documents cited therein teach similar systems for a media application diary.

7.   Applicant's amendment necessitated the new ground(s) of rejection presented in

this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37

CFR 1.136(a).

        A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

8.   Any inquiry concerning this communication or earlier communications from the

examiner should be directed to ALVIN H. TAN whose telephone number is (571)272-

8595. The examiner can normally be reached on Mon-Fri 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Dennis Chow can be reached on 571-272-7767. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

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USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

AHT   /Tadesse Hailu/
Assistant Examiner   Primary Examiner, Art Unit 2173
Art Unit 2173